

**CHADDS FORD TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 128**

AN ORDINANCE AMENDING THE CODE OF CHADDS FORD TOWNSHIP BY ADOPTING **CHAPTER 126, RESTRICTED VEGETATION**, PROVIDING FOR REGULATIONS GOVERNING THE CULTIVATION OF BAMBOO AND OTHER ENUMERATED NOXIOUS PLANTS, AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THE REGULATIONS.

The Board of Supervisors of Chadds Ford Township, Delaware County, Pennsylvania does ENACT and ORDAIN:

**Section 1.** The Code of Chadds Ford Township, as previously amended, is hereby amended by adding a new Chapter 126 entitled “Restricted Vegetation” to read as follows:

**§126-1. Purpose**

The provisions of this Chapter are enacted to control the planting, growing or cultivating of bamboo in Chadds Ford Township so as to prevent the spread of noxious vegetation and the trespass of noxious vegetation onto public and private properties and onto public rights of way. Therefore, it is the intent of this Chapter to ensure that the vegetations named herein do not become a threat to the public health, safety and welfare.

**§126-2. Definitions**

PLANT – A living organism exemplified by trees, flowers, grasses, shrubs, herbs, mosses, ferns, et al. The word “Plant” shall be understood to mean any and all parts of a plant, including stem and stalk, leaves, seed pods, flowers and fruit, and roots.

RESTRICTED VEGETATION – Any plant that is determined by the Chadds Ford Township Board of Supervisors or the Commonwealth of Pennsylvania to be injurious to public health, crops, livestock, agricultural land or other property. Such vegetation is listed in §126-3.

**§126-3. Vegetations Restricted**

- A. All species of running bamboo, including *Acidosasa*, *Arundinaria*, *Bashania*, *Brachystachyum*, *Chimonobambusa*, *Gelidocalamus*, *Indocalamus*, *Indosasa*, *Ochlandra*, *Phyllostachys*, *Pleioblastus*, *Pseudosasa*, *Sasa*, *Sasaella*, *Semiarundinaria*, *Shibataea*, and *Sinobambusa*.

**§126-4. Regulations Governing Running Bamboo.**

A. No person, firm, corporation, property owner, or tenant shall plant, cause to grow or cultivate any running bamboo on any lot or parcel of ground, subject to the following exceptions:

- (1) The root system of the running bamboo plants is entirely contained within an above ground planter, barrel or other container of such design, material and location as to prevent the spread of the running bamboo root system beyond the confines of the container in which it is contained; or
- (2) The root system is planted in the ground but is entirely contained within a barrier, constructed in accordance with the following specifications:
  - (a) The barrier itself shall be composed of a high density polypropylene or polyethylene, with a thickness of at least 40 mils;
  - (b) The barrier shall be secured and joined together by stainless steel clamps or stainless steel closure strips designed to be used with such barriers;
  - (c) The barrier shall be installed at least thirty (30) inches deep;
  - (d) At least three (3) inches of the barrier must protrude above ground level around the entire perimeter of the bamboo;
  - (e) The barrier shall slant outward from bottom to top.
- (3) Whether planted or growing in a container, as described herein, all bamboo plants shall be located, controlled and maintained so that no part of the plant is closer than ten (10) feet from any public right-of-way or property line.

B. The owner of any property in Chadds Ford Township on which running bamboo is growing in violation of Section 126-4.A(3) shall remove all parts of the running plant(s) that are closer than ten (10) feet from any public right-of-way or property line. If the violation is the result of encroachment of the root system, the owner of the property shall remove all running bamboo plant(s) from the property or shall install the barrier described in §126-4.A(2).

**§126-5. Complaint, Notice, Order for Removal and Compliance**

A. Whenever a complaint is received by the Township regarding the encroachment of any restricted vegetation onto a public right-of-way and/or neighboring property, or whenever the Township on its own observations and inspections determines that there is an encroachment of restricted vegetation onto a public right-of-way, the Township shall take the necessary steps to verify that a violation of this Ordinance has occurred. If a violation has occurred, the Township shall give notice to the landowner to control and/or remove the offending restricted vegetation plant.

- (1) The Notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage. Notice by certified mail shall be deemed

complete on the date of personal delivery. If the certified mail is marked "refused", "unclaimed" or otherwise undeliverable by the United States Postal Service, notice will be sent by regular mail and by posting the notice on the property.

- (2) The Notice shall specify the nature of the violation.
- (3) The Notice shall state specifically what must be done by the responsible party to correct the violation and come into compliance with this Ordinance. The Notice shall specify, as appropriate, the practices and processes to be followed and shall set a timeframe for compliance.
- (4) The Notice shall state that failure to comply with the compliance timeframe will result in the removal of the offending vegetation by the Township and that the responsible party will be billed for all costs incurred by the Township. The Township may, in its discretion elect to issue a citation daily until such time as the offending restricted vegetation or root system is removed, and the Notice should so advise the responsible party.
- (5) Compliance with the provisions of the Notice shall be subject to the inspection of the Chadds Ford Township Code Enforcement Officer.

#### **§126-6. Penalties.**

- A. Any property owner or possessor of a property determined by any court of competent jurisdiction to have violated this Ordinance shall be subject to pay a fine of \$100.00 per day for each day that the violation persists as well as court costs, legal fees and any other fees incurred by the Township to enforce this Ordinance against the responsible party. Each day of a continuing violation shall constitute a separate offense, for which a separate fine shall be levied.

#### **Section 2. Repealer**

All ordinances, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

#### **Section 3. Severability**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the whole or any part hereof.


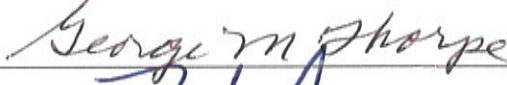
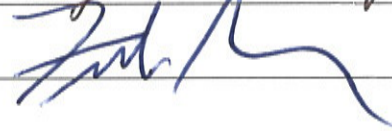


**Section 4.      Effective Date.**

This Ordinance shall become effective thirty (30) days after it is enacted by the Township Board of Supervisors.

ENACTED and ORDAINED by the Board of Supervisors of Chadds Ford Township, Delaware County, Pennsylvania this 3rd day of September 2014.

TOWNSHIP BOARD OF SUPERVISORS

Attest:   
Secretary